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EXAMINER
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PARTHASARATHY, PRAMILA

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/803,203

Applicant(s)

KLEIN, JOHN RAYMOND

Examiner

Pramila Parthasarathy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 22-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 22-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Claims 1 – 15 and 22 – 31, i.e., the Group I claims in the reply filed on February 09, 2005 is acknowledged. However, election of claims is not supported by any ground(s) that the traversal is based.

Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement and reason for electing Claims 1 – 15 and 22 – 31, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Therefore, presently pending claims are 1 – 15 and 22 – 31.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 and 25 recites the limitation "the data" in line 1 of the claim body. There is insufficient antecedent basis for this limitation in the claim.

4. Regarding claim 23, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 – 3, 5 – 15, 22 – 24 and 26 – 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Flanagin et al. (U.S. Patent 6,128,661).

6. Regarding Claim 1, Flanagin teaches and describes

creating a plurality of computer profiles for connection to at least one of the networks, each network having an associated Service Set identifier, wherein at least one of the plurality of computer profiles includes the identifier (Summary; Column 3 lines 1 – 38, Column 4 lines 1 – 64 and Column 7 lines 57 – Column 8 line 4);

using the at least one of the plurality of computer profiles to cause the computer to recognize at least one of the networks (Summary and Column 3 lines 1 – 38); and

creating a communication link between the computer and the at least one of the networks (Summary and Column 3 lines 1 – 38).

7. Regarding Claim 11, Flanagin teaches and describes

prompting the user to enter profile information associated with multiple networks within a wireless network (Summary and Column 3 lines 1 – 38);

entering the profile information (Summary and Column 3 lines 1 – 38);

storing the profile information for later retrieval (Summary and Column 3 lines 1 – 38 and lines 44 – 65); and

configuring the computer to connect to a particular network based on a particular profile (Summary and Column 3 lines 1 – 38).

8. Regarding Claim 14, Flanagan teaches and describes

storing data representative of each network (Summary and Column 3 lines 1 – 38 and lines 44 – 65);

acquiring signals from each network of the plurality of networks (Summary and Column 3 lines 1 – 38); and

enabling a user to select a particular network from the plurality of networks (Summary and Column 3 lines 1 – 38).

9. Regarding Claim 15, Flanagan teaches and describes an article comprising a computer-readable medium that stores computer-executable instructions for configuring a computer with a network through a wireless communication link, the instructions causing a computer to:

create a plurality of profiles for connection to at least one of one or more networks, each network having an associated Service Set identifier, wherein at least one of the plurality of computer profiles is created using a graphical user interface (Summary; Column 3 lines 1 – 38, Column 4 lines 1 – 64 and Column 7 lines 57 – Column 8 line 4);

use the at least one of the plurality of computer profiles to cause the adapter to recognize the at least one of the networks (Summary and Column 3 lines 1 – 38); and  
create a communication link between the connector and the at least one of one or more networks (Summary and Column 3 lines 1 – 38).

**10. Regarding Claim 22, Flanagan teaches and describes**

creating a plurality of network profiles for connection to one or more networks (Summary and Column 3 lines 1 – 38);

selecting at least one of the plurality of network profiles (Summary and Column 3 lines 1 – 38); and

establishing a communication link between the processor based system and at least one of the networks based on the selected network profile (Summary and Column 3 lines 1 – 38).

**11. Claims 2 and 23 are rejected as applied above in rejecting claims 1 and 22.**

Furthermore, Flanagan teaches and describes using variable network parameters such as encryption key status, frequency, and power requirements to create the computer profile (Column 4 lines 25 – 46).

**12. Claims 3 and 24 are rejected as applied above in rejecting claims 1 and 22.**

Furthermore, Flanagan teaches and describes the software is integrated into the

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operating system of the computer (Column 4 lines 25 – 46; Column 5 lines 23 – 50 and Column 6 lines 42 – 51).

**13.** Claims 5 and 26 are rejected as applied above in rejecting claims 1 and 22.

Furthermore, Flanagin teaches and describes programming the computer to contain said plurality of network profiles to enable communications with one or more of the plurality of networks (Column 6 lines 12 – 46).

**14.** Claim 7 is rejected as applied above in rejecting claim 1. Furthermore, Flanagin teaches and describes associating each computer profile with a wireless network based on a priority value until there is a successful association or a list of profiles is exhausted (Column 9 lines 16 – 40).

**15.** Claim 12 is rejected as applied above in rejecting claim 11. Furthermore, Flanagin teaches and describes wherein the profile includes an Extended Service Set Identifier corresponding to a particular network (Summary; Column 3 lines 1 – 38, Column 4 lines 1 – 64 and Column 7 lines 57 – Column 8 line 4).

**16.** Claim 13 is rejected as applied above in rejecting claim 11. Furthermore, Flanagin teaches and describes providing the user with multiple graphical user interface (GUI) style screens, wherein the screens allow the user to enter variable network

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parameters such as encryption key status, frequency, and power requirements (Column 9 lines 16 – 50).

**17.** Claim 27 is rejected as applied above in rejecting claim 22. Furthermore, Flanagan teaches and describes selecting the at least one of the plurality network profiles based on a priority scheme (Column 9 line 61 – Column 10 line 31).

**18.** Claim 29 is rejected as applied above in rejecting claim 22. Furthermore, Flanagan teaches and describes incrementing a counter associated with a selected network profile each time that profile is matched to a network of said one or more networks (Column 9 line 61 – Column 10 line 8).

**19.** Claim 6 is rejected as applied above in rejecting claim 5. Furthermore, Flanagan teaches and describes creating an additional profile; and  
associating said additional computer profile to the one or more of the networks (Column 9 lines 41 – 67).

**20.** Claim 8 is rejected as applied above in rejecting claim 7. Furthermore, Flanagan teaches and describes incrementing a counter associated with a selected computer profile each time that computer profile is matched to a network of said one or more networks (Column 9 lines 41 – 67).



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**21.** Claims 9 and 30 are rejected as applied above in rejecting claims 7 and 29.

Furthermore, Flanagan teaches and describes utilizing the counter value to prioritize subsequent associations of the plurality of computer profiles and the network (Column 9 lines 29 – 65).

**22.** Claim 10 is rejected as applied above in rejecting claim 7. Furthermore, Flanagan teaches and describes storing the name of a selected profile for use by other programs (Column 9 line 61 – Column 10 line 24).

**23.** Claim 28 is rejected as applied above in rejecting claim 27. Furthermore, Flanagan teaches and describes wherein selecting the at least one network profile based on a communication of one of plurality of networks associated with the selected network profile each time that profile is matched to one or more of the networks (Column 9 line 61 – Column 10 line 31).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**24.** Claims 4 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan et al. (U.S. Patent 6,128,661, hereafter "Flan") in view of Cafarelli et al. (U.S. Patent Number 6,693,888, hereafter "Caf").

**25.** Claims 4 and 25 are rejected as applied above in rejecting claims 1 and 22. Flan teaches and describes the data passing over the communication link between the computer and the at least one of the networks and discloses initial formation of the partnership between the computer and the network using a "Local" connection to control access to information and hence provide some security (Flan Column 4 lines 25 – 64), Flan does not explicitly disclose encrypting the data passing over the communication link between the computer and the at least one of the network. However, Caf discloses a method for transmitting data in an encrypted form using a secret key for increased security and privacy (Caf Column 9 lines 1 – 10).

**26.** Motivation to combine Caf with Flanagan comes from the need to provide secure communication and secure data transfer between the computer and at least one of the network. Flan themselves provide a discussion of the needed security but are silent as to the specific details of the technical cryptography involved, see Flan Column 4 lines 25 – 64 (especially lines 39 – 46). It would be obvious to one of ordinary skill in the art to combine Flan with Caf because security is needed for the data exchange and because Caf provides some details of how to secure data communication and transfer of encrypted data.

### ***Conclusion***

**27.** Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

**28.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. If applicants are aware of any better prior art than those are cited, they are required to bring the prior art to the attention of the examiner.

**29.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on Tuesday – Thursday 8:00a.m. To 3:00p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy

May 13, 2005.

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
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